

# CROSSROADS

An interdisciplinary journal for the study  
of history, philosophy, religion and classics

SPECIAL ISSUE – MAX DEUTSCHER

VOLUME IV ISSUE I 2009

ISSN: 1833-878X

Pages 53-64

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*Thinking, Willing and Judging*

## ABSTRACT

In this paper I examine Max Deutscher's recent accounts of thinking, willing and judging, derived from his reading of Hannah Arendt's *The Life of the Mind*, as set out in his book *Judgment After Arendt*. Against Deutscher I argue that thinking does not presuppose thoughtfulness, that being willing is compatible with willing reluctantly, and that actor and spectator judgments are distinct types of judgments.

## BIOGRAPHY

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## THINKING, WILLING AND JUDGING

'To dismantle metaphysics requires me to take it in hand. Inevitably some sticks to my fingers.'<sup>i</sup>

### BEING MINDFUL OF THE MIND

In this paper we shall enter into conversation with Max Deutscher's most recent book, *Judgment After Arendt*. Deutscher's book is an extended engagement with Hannah Arendt's trilogy, *The Life of the Mind*, and its books on thinking, willing and judging.<sup>ii</sup> While Deutscher's book is based around a close and, at times, page by page reading of Arendt's book, his book is not, in the usual sense, a piece of Arendt scholarship. Deutscher only very occasionally engages, in any depth, with Arendt's other texts or with the extensive secondary literature on Arendt.<sup>iii</sup> This approach allows Deutscher to avoid getting mired in what have become the clichés of that literature, such as the alleged contradiction between Arendt's two accounts of judgment,<sup>iv</sup> recast *The Life of the Mind* as a work primarily in phenomenology rather than in political theory (as it is often read), and broaden the scope of his own project by extending the range of interlocutors who are brought into dialogue with Arendt's work.<sup>v</sup>

While Deutscher's 'ec-centric' style of writing ('[t]he hyphen disturbs the slur and reminds us of the inflexion')<sup>vi</sup> is very different to Arendt's, he nonetheless shares with her a similar method, a 'historically informed' 'post-metaphysics' 'influenced by phenomenology,'<sup>vii</sup> a method that is at once 'historical, fictional, poetic and analytical.'<sup>viii</sup> This method, which is at home in our postmodern world<sup>ix</sup> and which draws freely and expertly upon both analytic and continental philosophical traditions, employs phenomenology to deconstruct metaphysics. Deutscher employs this method in *Judgment After Arendt* to investigate the life of the mind.

In so doing Deutscher, following Arendt, examines the natural impulse we have to think about the mind in dualistic and metaphysical terms. This impulse is not rejected as a sloppy inference.<sup>x</sup> Instead, the phenomenology of thinking that underwrites our impulse toward dualism is vindicated. When we think it *really is* as if we are no-where and no-when, as if we are lost in a world of thought, a world bound by laws of reason rather than laws of causality. This is no mere fallacy or simple illusion, a 'mirage that vanishes as we approach.'<sup>xi</sup> Someone who is thinking really is 'somewhere else'; we talk to them, but they are utterly oblivious to what we say. They are lost in thought. 'Hello!' we cry, to call them back from wherever they have gone.<sup>xii</sup>

But while Deutscher accepts that the *experience* or phenomenology of thinking, willing, and judging underwrites 'impulses toward dualism,' he rejects the *ontological* conclusions that the dualist draws.<sup>xiii</sup> Talk of being no-where and no-when when we think, or of an immaterial world of thought objects, is *metaphorical* talk. It is metaphorical talk because we cross directly over from one category to another by using terms at home in sensation and observation, and apply these directly to another category, that of the mind. We speak of thinking, *nous*, as the mind's eye. But we do not *see* things (invisible thought-things) with the mind like we *see* things with the eye. Rather it is the '*relation* between the *eye* and the *object we see* that can resemble the *relation* between *nous* and the *object we think*.'<sup>xiv</sup> The brain is like the eye, but the mind, as the *power* of thinking, willing and judging that our brains make us capable of, is like the *power* of seeing that our eyes make us capable of.<sup>xv</sup> The mistake of dualism is to take our experience of the life of the mind, and the metaphorical language we use to describe it, and reify those metaphors into hard ontological fact.

In this way Deutscher reads Arendt, along with Gilbert Ryle (who was one of Deutscher's Oxford teachers),<sup>xvi</sup> as engaged in the project of understanding the mind in a way that avoids both dualism and reductive materialism. This approach rejects the dualist's claim that there are two worlds or two types of substance, one material and one immaterial. There is not a mind substance and a body substance, a Cartesian ghost in the machine to employ Ryle's evocative phrase,<sup>xvii</sup> but rather a body that can think, will and judge; a 'thinking, willing and judging body.'<sup>xviii</sup> But this approach does not fall into reductive materialism. While, of course, the 'mind is the brain' and 'thinking is a brain process,' only the dualist denies this, this identification doesn't end the story.<sup>xix</sup> This is because poking around in grey matter will tell us very little, by itself, about the life of the mind, about thinking, willing and judging. As such, 'it remains a conceptual and phenomenological business to describe what brain processes make us capable of.'<sup>xx</sup>

We are now in a position, having very briefly explored Deutscher's general approach to the life of the mind, to critically differ with the details of his Arendtian accounts of thinking, willing and judging. Such differing is essential to thinking. Indeed, plurality, differing from one another, is defining of the human condition as Arendt understands it. But we can differ without parting company or, rather, we only keep each other (and ourselves) company by being different, by differing. In his generous reading of Arendt Deutscher writes: 'A 'flat' contradiction is stationary, the stultification of thought. In contrast, to be *contradicted* within thinking's

conversation is a critically friendly re-animation of the conversation.’<sup>xxi</sup> It is in this spirit of keeping the conversation of thought running that we engage in this critique.

## THINKING

Arendt’s investigation into thinking emerged, to a significant degree, out of her coverage of Adolf Eichmann’s trial in Jerusalem.<sup>xxii</sup> After covering his trial Arendt came to the judgment that Eichmann was no monster. He was not driven by deep ideological hatred of Jews. Indeed the ‘only notable characteristic’ about him that she could detect was something ‘entirely negative: it was not stupidity but *thoughtlessness*.’<sup>xxiii</sup> Arendt explains:

Clichés, stock phrases, adherence to conventional, standardized codes of expression and conduct have the socially recognized function of protecting us against reality, that is, against the claim on our thinking attention that all events and facts make by virtue of their existence. If we were responsive to this claim all the time, we would soon be exhausted; *Eichmann differed from the rest of us only in that he clearly knew no such claim at all. It was this absence of thinking – which is so ordinary an experience in our everyday life ... - that awakened my interest.*<sup>xxiv</sup>

Such an ‘absence of thought’<sup>xxv</sup> is common enough. We are often too busy to *stop* and think, and sometimes thinking about what we are doing only gets in the way of doing it. But if the absence of thinking is such an ordinary experience in our everyday lives, so too is the presence of thinking – or at least for most of us, but seemingly not for Eichmann (‘he clearly knew no such claim *at all*’) on Arendt’s account. As such, Arendt moves straight from the claim that Eichmann is to be characterised as thoughtless to the claim that he did not know the experience of thinking. But this move is too quick since thoughtfulness and thinking are two different things. In contrast to Arendt, Deutscher is attentive to this distinction. But while he is attentive to this distinction, he ends up endorsing Arendt’s view that in the case of Eichmann we witness ‘the *absence* of a common and ordinary thing [thinking].’<sup>xxvi</sup> On this view thinking is a common and ordinary activity, something that we *all* engage in all the time, that is, all of us *except* Eichmann (and perhaps some others).

Deutscher adopts this solution since he argues that thinking presupposes thoughtfulness. Deutscher claims that: ‘*Thoughtfulness* must frame any inner life that amounts to *conversing* with oneself.’<sup>xxvii</sup> Thinking is the activity of conversing with oneself that occurs within a ‘thoughtful frame of mind’, where such a frame of mind is understood as a ‘*readiness* to think.’<sup>xxviii</sup> This view, however, retains the problematic tension inherent in Arendt’s account as it forces us, since thinking presupposes thoughtfulness, to move from the claim that Eichmann was *thoughtless* (a plausible claim) to the claim that *he did not think* (an implausible claim). However, the claim that a normal, sane (but thoughtless) adult human, as Eichmann was taken to be (‘Half a dozen psychiatrists had certified him as ‘normal’),<sup>xxix</sup> might never engage in the activity of thinking *per se* (in any sense of the term) will be shown to be implausible.

What is the difference between thoughtfulness and thinking? Thoughtfulness refers to a way of being or doing; being thoughtful or doing something thoughtfully. To be thoughtful is to be mindful of who you are and what you are doing. It is to be aware of the significance and meaning of what you are doing while you are doing it. Thoughtfulness can refer to a *character trait*, that of being a thoughtful *person*, or more generally to a way, manner, or *style of undertaking some activity* or project, namely to undertake it thoughtfully. In contrast, thinking refers to a specific type of activity, a particular sort of doing - that of thinking. Thinking is a first order activity, something we do, just like running, swimming and reading are things that we do. Thoughtfulness is a second order activity, a particular way of undertaking a first order activity. But we cannot undertake just any activity thoughtfully. Consider the case of a person throwing paper balls into a bucket to relieve boredom. Such a person might be very focused on what he is doing. But we would not say that he is undertaking that activity thoughtfully, since it is an utterly mindless activity (as we say), not something that one *can* undertake thoughtfully. This is because there needs to be some significance or meaning to an activity in order to be able to undertake it thoughtfully.

We can be thoughtful (and also thoughtless, that is, not thoughtful) about *both* what we are *thinking* and what we are *doing*. To *think thoughtfully* is not merely to think but to think about what you are thinking; to be mindful of the meaning and significance of your thoughts. To *think thoughtlessly* is not to be mindful of your thoughts in this way. It is to *just think*, as when I *just hit* the ball. It is to *just think* about, for example, how to get from here to there, what a great holiday you had last year, which building is now the world’s tallest, and so on. To think thoughtfully is to have a thoughtful conversation with yourself by questioning and interrogating your own thoughts; it is to ask yourself why you want to go where you are going, why you thought it was such a great holiday, what a holiday even is and how it differs from a journey, from travel, from work, and so on. To *act thoughtlessly* is to just do what you are doing without reflecting on the significance or meaning of what you

are doing, without in some cases even being particularly aware that you are doing it. For example, you are running through the forest and, after a while, you forget that you are even running. You aren't aware of lifting your feet, dodging the rocks, sucking in air, and so on. You might even begin to think about what you will have for dinner while you are running, or start to think thoughtfully about a deep philosophical problem. Thus while you are undertaking one activity thoughtlessly, in this case running, you might be undertaking another activity, in this case thinking, thoughtfully. But it is hard to do more than one thing at a time thoughtfully.

To see why, consider the example of a person who needs to walk through a crowd. He can walk through the crowd thoughtlessly, bumping into others as he walks forward without really caring or even noticing, oblivious to where he is in relation to others, his mind focused elsewhere. Or he can walk through the crowd thoughtfully, trying to avoid bumping into others, aware of where he is and where others are and the way his bag swings behind him, ready to offer an apology (which is genuine, not words uttered as a sort of reflex) whenever he inadvertently bumps into anyone. Being acutely aware of his surroundings, he stops spontaneously to help the woman who drops her bag in front of him in the middle of the crowd (the thoughtless person barely even notices this). 'How thoughtful,' she exclaims as he hands back her bag. But it is very hard to think thoughtfully while also walking through a crowd thoughtfully. If you are busy thinking deeply and thoughtfully about some difficult metaphysical problem, then your mind is elsewhere. You are absentminded. Your mind is therefore too preoccupied with its own thoughts to notice those around you. In this case to undertake one activity, that of thinking, thoughtfully, is to thereby undertake another activity, that of walking through the crowd, thoughtlessly, and vice versa.

A thoughtful person is someone who judges well what needs to be thought about and when it needs to be thought about, as well as what needs to be undertaken thoughtfully, and what does not, and when it does and does not. This illustrates the double-edged nature of thinking. Both too much and too little thinking, or thinking undertaken without judgment (at the wrong time, for example), has its dangers.<sup>xxx</sup> Too much thinking can make us withdrawn and distant from the world so that we lose touch with it and become likely to bump into things and people, whereas too little thinking can fail to alert us to the moral significance of our actions. There is also tension between thinking and thoughtfulness since being thoughtful about what we are doing, such as walking through a crowd, can get in the way of thinking, and thinking can in turn get in the way of being thoughtful about other things. A thoughtful person judges well what to be thoughtful about and when to undertake a particular activity, be it thinking or acting, thoughtfully.

But while a thoughtful person (among other things) necessarily thinks, a person who thinks is not necessarily a thoughtful person. A thoughtless person, someone who fails to think about what she is doing and the effects this will have on others, may still engage in the activity of thinking. Thus one can think without being thoughtful, that is, one can think in a way that is not thoughtful. Such thinking skims along the surface. It fails to unearth the significance of what one is thinking. But it is still *thinking*, even if it is not thoughtful thinking. In this sense thinking is an everyday activity, something we all do all the time, even though few of us are ideally thoughtful people.

We can (and do) think about all sorts of things and people, real and unreal, possible and impossible, about events from the past or events that might happen or can never happen, about theories, concepts, words, stories, films, desires, dreams, and so on. This often takes the form of what we shall call 'everyday thinking.'<sup>xxxii</sup> Everyday thinking is a near relative of remembering and imagining. Indeed, as Deutscher notes, 'to remember is to begin to think.'<sup>xxxiii</sup> To think in this sense is to withdraw from the world for a time to *dwell upon* something.<sup>xxxiii</sup> To dwell upon something is to concentrate and focus on it, to explicitly direct attention toward it, and not merely to daydream about it in an unfocused manner. In this sense we can think about something, especially when we stick to the surface of things, even if our frame of mind is not characterised by thoughtfulness. We can think without accompanying second order thoughtfulness about what we are thinking and why we are thinking it.

In this sense it is undeniable that Eichmann sometimes, perhaps often, engaged in the activity of (at least 'everyday') thinking. Eichmann sometimes, surely, *thought* about what he would do on the weekend, what he would have for dinner, the day he was married or joined the S.S., his favourite book, how he could efficiently transport Jews to death camps, and so on. Sometimes, no doubt, he dwelt in thought upon such issues, and he may have even done so thoughtfully. What disturbs us is not that Eichmann did not think, but that he was not thoughtful about something of such immense moral importance as genocide. His thoughts about what he was doing stayed on the surface of things; how to organise this, who to contact to get that done, who to assign this piece of work to, who to impress in order to gain promotion, and so on. He failed to be thoughtful about what he

was doing in thinking such thoughts, about the meaning and significance of such actions for others and for himself. This is immensely disturbing.

How could he be like this?<sup>xxxiv</sup> A thoughtless person simply doesn't give others a thought. Imagine the case of a schoolboy who sits on a seat at the front of the crowded bus while a frail elderly lady struggles to stay standing next to him in the aisle. Such a schoolboy is being thoughtless, utterly oblivious to the impact his behaviour is having on others and the meaning and significance of what he is doing in occupying the seat while the elderly lady struggles to stand. (She could easily fall, break a hip, and never properly recover). In contrast, the schoolboy who is thinking with pleasure of the elderly lady struggling next to him is not thoughtless but malicious. (Hitler, unlike Eichmann, was thus not thoughtless). But it is one thing to sit on a crowded bus thoughtlessly, oblivious to others, and quite another to organise genocide while remaining largely oblivious to the moral significance of one's actions. That Eichmann could do so illustrates the shocking degree to which thoughtlessness, as Arendt puts it, can shield us from all claims of reality.

The case of Eichmann shows us that one can think, that one can (say) dwell upon how best to transport people to death camps, without thinking thoughtfully about what one is doing in (and the significance and meaning of) thinking such thoughts. Thus, in an everyday sense of thinking, thinking does not presuppose thoughtfulness. However, there is another sense of thinking which does presuppose thoughtfulness. This is a philosophical (as opposed to everyday) sense of thinking, where this is understood as a thoughtful conversation between intimate friends. One problem that emerges with both Arendt's and Deutscher's approach is that they try to force everyday thinking into a broader account of (philosophical) thinking, as conversation between friends, to which it does not belong.

Arendt, more so than Deutscher, comes to see thinking *per se* as a conversation whereby we actualise our inner plurality and split into a two-in-one, where we are both the one who asks questions and the one (or two) who answers them. To think in this sense is to have a conversation with ourselves, a sort of internal Socratic dialogue about the meaning of something. This second order concern with the significance and meaning of what we are thinking is a clear sign of thoughtfulness. Thinking, in this sense, 'unfreezes' concepts by destabilising their meaning, as when Socrates unfreezes justice, piety or courage, or when Arendt (drawing on Heidegger) unfreezes the concept of a house.<sup>xxxv</sup> But just as not every flow of words counts as conversation, not every jumble of words counts as thinking on this account. For inner dialogue to be thinking it must be a conversation, and a conversation is not mere 'empty-headed chatter'.<sup>xxxvi</sup> Thinking is the activity of conversing with oneself or engaging in internal dialogue conducted 'within a thoughtful frame of mind', that is, within a frame of mind marked by a 'readiness to think'.<sup>xxxvii</sup> Otherwise, on this account, it is not *really* thinking.

Deutscher adds further nuance to this account by looking at the example of a painter 'who *thinks* of which paint to put next, where, in what style' and so on. Although the painter is not 'making [internal] utterances' about which paint to put where, Deutscher stretches the idea of a conversation without words to deal with this case. This is plausible since in this example the painter is considering the 'pros and cons' of 'differing juxtapositions of colour,' even though there is no explicit 'private [verbal] muttering' of those pros and cons in the way that a writer might 'internally voice trial sentences'.<sup>xxxviii</sup> Thus thinking is conversing with oneself within a thoughtful frame of mind, where conversation is not 'tied too tightly to the production of inner verbiage'.<sup>xxxix</sup>

But this concession isn't enough since not all thinking can be construed as thoughtful conversation with ourselves even when conversation is broadly understood. To illustrate this point we can reuse the earlier example of someone thinking about the last holiday she went on. She is not debating with herself, even without words, the pros and cons of her holiday, or meditating upon its meaning or significance. Rather she is savouring it, recalling it, dwelling upon it. She *thinks* about how pleasant it was to sit on the beach, feel the sand under her feet, smell the ocean and hear the waves crashing down. Here 'thinking' is closer to remembering than conversing; it is not thoughtful thinking, but it is thinking nonetheless. Thinking as the two-in-one of a pair of internal debating partners makes little sense of these sorts of cases. Of course, she might also start to think in this way. She begins to think about what a holiday is, what counts as leisure, work and labour, how a holiday differs from a trip, a journey, travel, and so on. She starts to unfreeze concepts. But not all thinking is thoughtful in this way.

Further, even in this sense of thinking as the two-in-one of internal thoughtful conversation, it seems undeniable that Eichmann sometimes undertook this activity. Surely he had internal conversations with himself about the pros and cons of certain proposed actions, not just about which tie to wear, but about weighty issues, such as whether or not to sabotage Himmler's orders when they become more 'moderate' by the fall of 1944,<sup>xl</sup> given that such orders seemed to Eichmann to be opposed to the will of the Führer, and the 'Führer's words had the

force of law.<sup>xli</sup> Surely Eichmann *thought* about this, talked with himself about the pros and cons, and did so without flippancy but in a thoughtful manner, aware of the gravity of the situation. He even had to partly unfreeze the concept of legality to determine the ‘criminality’ of Himmler’s illicit ‘moderation’ of the Führer’s will.<sup>xlii</sup>

It is too broad, then, to simply say that Eichmann lacked a ‘thoughtful frame of mind’ or a readiness to think. He was ready to think about many things, the sorts of things that we all think about (what we will have for dinner, our first love, what counts as ‘legality’, and so on), but his thinking remained trapped in unquestioned clichés, language rules, and conventionality (obey the will of the Führer!). Further, Eichmann was not ready to think about the victims of his actions; that just made him ill. Eichmann speaks of feeling ‘physically weak’ and being ‘upset’ by what he personally saw of the actual killing of Jews in Chelmno. ‘I hardly looked. I could not; I had had enough. The shrieking, and ... I was much too upset.’<sup>xliii</sup> Eichmann *thinks* here only of his *own* suffering (‘I had had enough’) in having to witness such scenes (poor Eichmann!), and not of the suffering and pain of those being murdered before his eyes, partly as a result of his own actions. About all *that* he is utterly thoughtless. Clearly, then, Eichmann was not a *thoughtful person*. But he did *think* about some things, although usually not in a thoughtful manner, even though he did sometimes think in a (partly) thoughtful manner, as when he (partly) freed up the meaning of legality. But we need, however, to loosen up Arendt and Deutscher’s overly close conceptual connection between thinking and thoughtfulness and reject the equation between thinking *per se* and the two-in-one of internal dialogue to take account of this complexity.

## WILLING

Arendt’s account of willing traverses broad terrain, from Paul of Tarsus’ impotent will to Heidegger’s will-not-to-will. But Arendt gives no clear resolution of the tensions that emerge in this investigation. While Arendt rejects Ryle’s claim that willing is a mere illusion,<sup>xliv</sup> she ends *Willing* in a mysterious ‘impasse’ which she promises to overcome by an appeal to natality and another faculty ‘no less mysterious’, the faculty of judgment.<sup>xlv</sup> Perhaps this unresolved tension, given that tension is the dominant mood of willing, is simply how willing necessarily appears to thinking?

Given these problems, Deutscher makes significant and important progress in making sense of Arendt’s account of willing. Deutscher argues that:

Willing is elusive. It is neither an action nor a *telling* of myself what I am to do ... Considered as an activity, willing is a superstition. (‘From the tarmac, I was willing the plane to land safely.’) I interpret it, rather, as a *mode* – that of *being willing*.<sup>xlvi</sup>

Unlike thinking, willing is not an activity, an inner action that precedes and causes an outer action, but a mode of being, that of being willing to do what you are going to do, a state of willingly going-to-do something. Natality, the birth of a new person, becomes a metaphor for willing, for those actions whereby we set ourselves *free* from conformist behaviour by beginning something new and *willingly* setting about achieving our projects. Willing, then, is understood not as a noumenal interference ‘from above’ in the causal order of the world, but as a mode of being within that causal order.

Willing is thus very different to thinking. I can think and think about doing something, but this never amounts to actually going to do it. Nor is willing simply desiring, wanting or wishing to do something. I might have always desired, wanted or wished to learn Russian, but never actually got around to doing it. I was never willing to do it.<sup>xlvii</sup> Further, I can be willing to do something even when I have no desire to do it. Deutscher gives the example of a man who is forced (someone he loves will be tortured if he doesn’t agree) by a criminal gang into being willing to drive a getaway vehicle for a bank robbery. He, knowing how much is at stake, becomes willing to co-operate. He drives the getaway car willingly, he doesn’t lag in his driving since a ‘failure of will might have been fatal,’ even though he has no desire to drive a getaway car in a bank robbery.<sup>xlviii</sup> Or we can switch the example around, and imagine a timid man who has always desired to drive a getaway car in a bank robbery (he has seen too many movies), but has never actually been willing to do so, never set about fulfilling that desire. These sorts of examples show us that willing is a mode of ‘being willing,’ a ‘directedness, a *going-to-do*’ something.<sup>xlix</sup> In this sense the will is not some mysterious activity but something we ‘recognise ... as a day-to-day reality.’<sup>1</sup>

Deutscher uses this account to attack the idea of willing as a commander and slave relation, where we are both the one who commands and the one who obeys, since such a divided will is marked by reluctance and antagonism, by a lack of being willing. If I obey only because I am commanded then I don’t act *willingly*. But

this example also reveals a tension within Deutscher's account. It is a tension that is present in the above example of the getaway driver who is both willing and reluctant (unwilling?). Such a person seems to be, in one sense, commanding himself to act in a certain way, and in another sense, to be a slave who reluctantly carries out the commands he is given. Is this a case of *being willing* to act in a certain way? Does being willing amount to going-to-do-something (as when we have a *firm will* to do what is right, even if we have to force ourselves to do this somewhat reluctantly) or going-to-do-something-*willingly* (so that we also want or desire to act as we have set ourselves to act and thus undertake the act willingly, freely, without having to force ourselves)?

Precisely these sorts of examples are central to Kant's account of willing. Although Kant looms large in Arendt's accounts of thinking and judging, she simply ignores, or rather does not even seem to be aware of, Kant's account of willing.<sup>li</sup> As such she misses Kant's distinction between will (*Wille*) and power of choice (*Willkür*).<sup>liii</sup> While *Wille* is a matter of reason, *Willkür* is a matter of choice. *Willkür* is always free as it is never simply *determined* by inclinations or reason but rather adopts intentions or maxims (what it is going-to-do) through the incorporation of either sensible or rational grounds. Willing is going-to-do something for a reason, and that reason can either be conditional on the presence of some contingent desire or interest, or it can be categorical and therefore based on the ends-in-themselves status of persons.

In order to prove that pure reason can be practical, Kant considers examples where we set ourselves to do something unwillingly.<sup>liii</sup> He gives the example of a man who is ordered by a tyrant to commit perjury, thereby condemning another innocent man to death, but gaining financial reward in the process.<sup>liv</sup> If he refuses, he will be badly tortured and executed. We can read Kant here as arguing that the consequences of refusing to perjure ourselves are so horrible that no one would *willingly* undergo them. But even so, we can choose to do what is right by refusing to perjure ourselves. We can *will* to do so, to be in a state of going-to-do what is right, even if this must be done *unwillingly*.

If this example carries any weight then it shows us that being in a state of going-to-do something, and being willing to do it (in the sense of willingness, the absence of reluctance or division), can come apart. Of course, Kant does not think that it is a good thing when they do come apart. But, given that our world is one where happiness is not distributed according to virtue, it will sometimes happen that what is right is something we are unwilling to do, as when morality (as in the case of the tyrant) requires a very great sacrifice of interest or opposes what we are very strongly inclined to do. We do not sacrifice these things *willingly*, but even so, we can *will* to do so.

However, Deutscher also writes that 'the 'commanding' will as bringing order to quarrelling selves is no model for *being willing*. Rather, successful concurrence presupposes people who are *willing* to command and to obey.'<sup>lv</sup> Drawing on this latter point he differentiates between 'being repressed into obedience' and 'willing to be lawful' (a very Kantian sounding phrase).<sup>lvi</sup> If willing to be lawful, even when done unwillingly (in the sense of reluctantly), counts as an act of willing (as a case of being willing), then our discussion here serves to refine rather than contradict Deutscher's account. But, against this rapprochement, Deutscher writes elsewhere: 'A 'commanding' will as the mind of one who is not yet *willing* is a faulty will – a function of a self or society divided into antagonism against itself.'<sup>lvii</sup> The point of Kant's example, however, is that in some tough moral situations internal antagonism is not something that can be avoided. Such internal division is a sign, not of a faulty will, but of a morally tough situation that requires a firm will.

In such cases it is not our *will* that is conflicted or divided against itself, since our will is firm enough. Indeed, in Kant's theory there is no such thing as a divided will. Instead there are different reasons and different sorts of reasons (hypothetical and categorical reasons) vying for our attention. Reluctant willing can arise whenever all our reasons don't point in the same direction. For example, if we had chosen to perjure ourselves the source of our reluctance to do so would have been countervailing moral reasons, and if we had chosen not to perjure ourselves then the source of our reluctance would have been countervailing hypothetical reasons. In one case will (*Willkür*) is at odds with our inclinations and in the other case it is at odds with our reason (*Wille*). In either case we are somehow at odds with ourselves, even though we have a firm will and are in a state of being willing.

## JUDGING

Thinking is no great mystery, at least when compared to willing and judgment, which are more elusive. We say that we are 'lost in thought' but never that we are 'lost in willing or judgment'. This is because thinking is an activity. We can point to specific times when we have been thinking. Indeed, as philosophers we sometimes spend whole days doing nothing but thinking. But we can't point to specific moments when we are undertaking

some mysterious activity of willing or judgment. We don't devote whole days to willing or judgment. Even so, these are capacities of our minds and it is therefore a mistake to think them away.

What then is judgment? Imagine that I have been appointed the judge of a competition. One afternoon I sit down to make a judgment. You ask me what I am doing, and I say, 'Making a judgment'. But to say this is not to tell you what 'I am doing but what I am *to do* – what I *shall have done* when the work judgment requires is complete.'<sup>lviii</sup> After having been willing to think long and hard about the various entries to the competition, their relative strengths and weaknesses and so on, I take the plunge, make a judgment, and declare that one of the entries is the winner. Thinking takes time, but willing and judgment occur in a flash.<sup>lix</sup> Even so, we must be willing to judge thoughtfully.

To say that judgment (unlike thinking) is not an activity and that it occurs (again, unlike thinking) in a flash, can be misleading if we do not differentiate judging from judgment. Judging is a state of coming to a judgment, whereas to have judged is to have made a judgment. Judging is often accompanied or preceded by the activity of thinking, in particular by representative or enlarged thinking. This explains why, in her discussion of judgment, Arendt talks about an enlarged way of *thinking* which is 'active in judging.'<sup>lx</sup> To think in an enlarged way, or to think representatively, is to think about the matter we are trying to reach judgment on from the perspective of a community of fellow judges. Having undertaken such thinking we are often better placed to make a good judgment, the sort of judgment that we expect others to agree with. Judgment is thus a way of 'sharing-the-world-with-others,' of seeing the world from the perspective of common sense (a sensing of the world that is common to all, a shared world) that transcends our five private senses, and is thus one of our 'fundamental abilities' as political beings.<sup>lxi</sup> But thinking, even representative thinking, cannot take the place of judgment, since even after I have thought long and hard about a matter, I still have the work of judgment ahead of me.

However, we don't always have the time to stop and think before we judge; sometimes we must, while on the run, make a judgment straight away. But even in these cases judgment is never a matter of simply *leaping* to a conclusion. As Deutscher notes, the judge who declares his judgment as a result of sheer prejudice, rather than as a result of weighing the evidence (however poorly), has not made a bad judgment but has failed to judge at all.<sup>lxii</sup> Such a judge *pre-judges* the case; he *leaps* straight to a conclusion rather than makes a judgment. To see why, consider another case. Deutscher gives the example of a runner who, '[h]aving no time to pause and consider,' must '*judge* ('on the run') whether she can 'clear an obstacle in a leap.'<sup>lxiii</sup> While there is no time for the runner to thoughtfully consider the matter, she must still judge. 'To just leap would be to abdicate from judgment.'<sup>lxiv</sup> The person of *prejudice* just *leaps* straight to a conclusion, and just leaping is not even judging on the run. To judge is not to guess or blindly leap, but to bring our thought, knowledge, skills and experience to bear upon the matter.<sup>lxv</sup>

Drawing on this account Deutscher attempts to deal with the much discussed problem of the actor-spectator split in Arendt's account (or accounts) of judgment.<sup>lxvi</sup> This problem seems to arise since Arendt develops two accounts of judgment, one from the perspective of the engaged actor who wants to work out what to do, and another from the perspective of the disengaged spectator who plays no part in the action at hand and who wants to weave facts into a meaningful story. But it is not clear that these two accounts sit comfortably together. There thus seems to be a schism between actor and spectator judgment which threatens to undermine the overall coherency of Arendt's account.

We can see how Deutscher deals with this problem by drawing on the examples of judging on the run and judging a competition. In the first case the runner is in the thick of things and has no time to thoughtfully consider her options before she jumps. This looks like actor-judging. In the second case the competition judge has plenty of time to thoughtfully consider the various entries (none of which belong to her) before she comes to a judgment. This looks like spectator-judging. On this point Deutscher writes:

Arendt maintains, nevertheless, that we take up a temporary role as spectator when we go to *will* and *judge*. Her idea is that judging requires a use of the spectator's point of view, not that judging is locked into it. Critics fail to recognise that her 'spectator' is only partially and temporarily separated from the [actor's] playing field.<sup>lxvii</sup>

There is thus no rupture between the actor and the spectator. The runner is a partial and involved actor who, while on the run, taps into the spectator's perspective in order to judge whether or not she can clear the obstacle in a single bound. Although some spectators may make more permanent and long-term departures from the actor's playing field, they need not do so in order to *be* spectators. The same person might be judging competitions one moment, like a spectator, and judging leaps the next, like an actor. Further, spectators are often not disinterested as they battle with others over the meaning of past events. But to the extent that such spectators



are interested parties engaged in history wars they are also actors trying to *make* past events meaningful in a *particular* way. Just as we can be spectators while playing on the actor's field, we can also be actors while sitting on the spectator's bench.

However, while Deutscher is right to reject any attempt to overplay the actor-spectator distinction, it is equally important not to, as Deutscher risks doing, underplay it. Arendt highlights different features of actor and spectator judgments (these different features should be read as common, but hardly necessary or exclusive, characteristics).<sup>lxviii</sup> For Arendt, the actor (and here Arendt means specifically the *political* actor, a person working out how to share the world with others) deliberates about what they will do and this makes them partial, interested, involved, concerned with gaining *doxa* or fame, and subject to the standards set by spectators.<sup>lxix</sup> In contrast to the actor, the spectator (and here Arendt means specifically the historian, storyteller, novelist, poet, playwright, philosopher and so on) deliberates, not about what they are to do, but about the meaning of past actions, and this makes them impartial, disinterested, uninvolved, concerned with conferring and not gaining fame, and the setters of the standards by which actors are to be judged.<sup>lxx</sup>

Further, actor and spectator judgments differ not only in the ways that Arendt highlights above, but also in terms of the different roles that Arendt sees them as playing. Actor-judgment has the role of doing the political heavy-lifting of justifying political values, principles and decisions. Spectator-judgment has the role of doing the existential heavy-lifting of making our being in the world a meaningful and worthwhile activity. It is the actor who, under the guidance of forward-looking judgment, performs meaningful actions and makes decisions about what to do. It is the spectator who, under the guidance of backward-looking judgment, makes those actions meaningful by making judgments about them, revealing their purpose and meaning, and thereby reconciling both actors and spectators alike to the way the world is.<sup>lxxi</sup> These two accounts are not in tension since they are not even in competition. Each account simply reveals a different role for, or type of, judgment. One type of judgment is more forward-looking and the other more backward-looking. One type is more political, and the other is more existential, and so on. However, while Deutscher helps us to understand the similarities between these two types of judgments, we should not overlook the differences either.

## AFTER-THOUGHTS

The problem with a thoughtful book, such as *Judgment After Arendt*, is that it tends to raise more questions than it definitively answers. We have investigated some of these questions here. In particular, we have challenged the claim that Eichmann did not think, even though he was a thoughtless person. With regard to willing, we examined the tension inherent in the idea of 'being willing', a tension that arises because this state can be understood as going-to-do-something and going-to-do-it-willingly. We saw that in difficult moral cases these can come apart. In such cases we need a firm will, even if this is accompanied by some reluctance. Finally, in regard to judgment, while following Deutscher's lead in bringing actor and spectator judgment closer together, we also cautioned against ignoring the differences between these two different types of judgments. No doubt there will be some problems with the arguments defended here. Further, there are also many important issues that Deutscher examines in his rich book that we have not been able to think about here at all. And so the conversation, and the thinking, must go on and on.

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## REFERENCES

<sup>i</sup> Max Deutscher, *Judgment after Arendt* (Aldershot, Hampshire: Ashgate, 2007) xvi.

<sup>ii</sup> The last book on judging, due to Arendt's death, was never actually written, although we have some lectures that she delivered on judgment as well as material scattered throughout her published and unpublished writings. See, for example, Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking Press, 1968), Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1965), Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958), Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Brighton: The Harvester Press, 1982).

<sup>iii</sup> A reviewer of Deutscher's first book, *Subjecting and Objecting*, ungenerously calls this method one of 'ignoring the literature' – see T S Champlin, "Review of Subjecting and Objecting by Max Deutscher," *Philosophy* 60, No. 231 (1985): 140.

<sup>iv</sup> See Ronald Beiner, "Hannah Arendt on Judging," in *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Brighton: The Harvester Press, 1982).

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<sup>v</sup> Arendt and Gilbert Ryle, Donald Davidson and Sartre and Beauvoir, J.L Austin and Jane Austen, Wittgenstein and Heidegger, Merleau-Ponty and David Lewis, all take part in an amicable, if critical, conversation.

<sup>vi</sup> Ibid. xi.

<sup>vii</sup> Deutscher, *Judgment after Arendt* x. Interestingly, Deutscher attributes these same qualities to Gilbert Ryle's work.

<sup>viii</sup> Ibid. 39.

<sup>ix</sup> Deutscher (p. 11) writes: 'The postmodern condition is a syndrome, however wild the various ideas about it may be. And postmodernism as a series of formulated opinions or lines of thought is not the invention of devilish devious philosophers such as Derrida, Baudrillard or Irigaray. Postmodern lines of thought express changes in culture - the intellectual and emotional weather.' From Max Deutscher's work in progress paper, *Some Friendly Words for the Postmodern*, presented at Blackheath Forum, 2 June 2007. Available online at: <http://www.blackheathphilosophy.com.au/BlckhthRvisd2.pdf>

<sup>x</sup> See Deutscher, *Judgment after Arendt* 12.

<sup>xi</sup> Ibid.

<sup>xii</sup> Ibid. 51.

<sup>xiii</sup> Ibid. xi.

<sup>xiv</sup> Ibid. 47.

<sup>xv</sup> See Ibid. xvi. Deutscher notes the Aristotelian origin of this idea. 'She's [Arendt] got the common heritage that she shares with Ryle particularly and Aristotle ... [of understanding the mind in terms of] skills, capacities, being able to, potentialities.' From the transcript of Max Deutscher's interview with Allan Saunders, *Thinking and Judging with Hannah Arendt*, broadcast on the ABC radio show The Philosopher's Zone on 20 October 2007. A transcript is available at:

<http://www.abc.net.au/rn/philosopherszone/stories/2007/2060510.htm>. For Aristotle's view see, for example, Aristotle, "De Anima," in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: The Modern Library, 2001), 413a, 14a.

<sup>xvi</sup> Deutscher claims: 'He [Ryle] was trying to say, We can look at this business of the mind without all this reification, we can just look at how we talk and what we are trying to do with the kind of talk we have, about what people have found mysterious: thinking, imagining, even conversing and so on.' Further, Deutscher claims '...that what I've tried to do in the book [*Judgment After Arendt*] is a way of reworking Ryle too.' From Max Deutscher's interview with Allan Saunders, *The Great Divide*, broadcast on the ABC radio show *The Philosopher's Zone* on 13 October 2007. A transcript is available at: <http://abc.com.au/rn/philosopherszone/stories/2007/2054463.htm>. Some of these same issues are also explored in Max Deutscher, "Simulacra, Enactment and Feeling," *Philosophy* 63, no. 246 (1988). The most relevant text by Ryle is: Gilbert Ryle, *The Concept of the Mind* (Chicago: The University of Chicago Press, 1949).

<sup>xvii</sup> See Deutscher, *Judgment after Arendt* 72.

<sup>xviii</sup> Ibid. xvii.

<sup>xix</sup> Ibid. 73.

<sup>xx</sup> Ibid. 74.

<sup>xxi</sup> Ibid. 50.

<sup>xxii</sup> See Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. I examine Arendt's account in detail in Paul Formosa, "Is Radical Evil Banal? Is Banal Evil Radical?," *Philosophy and Social Criticism* 33, No. 6 (2007), Paul Formosa, "Moral Responsibility for Banal Evil," *Journal of Social Philosophy* 37, No. 4 (2006).

<sup>xxiii</sup> Hannah Arendt, *The Life of the Mind: Thinking*, ed. Mary McCarthy (London: Secker & Warburg, 1978) 4. Arendt makes the same point in her earlier work: 'It was sheer thoughtlessness – something by no means identical with stupidity – that predisposed him to become one of the greatest criminals of that period' - Arendt, *Eichmann in Jerusalem* 287-8. I will be assuming here that Arendt was indeed right in her analysis of Eichmann, but this claim is subject to challenge - see, for example, Yaacov Lozowick, "Malicious Clerks: The Nazi Security Police and the Banality of Evil," in *Hannah Arendt in Jerusalem*, ed. Steven E Aschheim (Berkeley: University of California Press, 2001).

<sup>xxiv</sup> Arendt, *The Life of the Mind: Thinking* 4.

<sup>xxv</sup> Ibid. 4-5.

<sup>xxvi</sup> Deutscher, *Judgment after Arendt* 22.

<sup>xxvii</sup> Ibid. 62.

<sup>xxviii</sup> Ibid.

<sup>xxix</sup> Arendt, *Eichmann in Jerusalem* 25-26.

<sup>xxx</sup> For Arendt this problem was illustrated by the 'co-ordination' of both the thoughtless many (such as Eichmann) and the professional thinkers (such as Heidegger) with the Nazi regime. See Hannah Arendt, *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken Books, 1994) 10.

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<sup>xxxi</sup> Here are some illustrative examples of everyday thinking from Deutscher's book: 'I catch myself *thinking* about the first house I owned'; 'I am *thinking about* my car'; I ask 'what holiday were you *thinking of*?' – see Deutscher, *Judgment after Arendt* 8, 58, 131.

<sup>xxxii</sup> Ibid. 24.

<sup>xxxiii</sup> See Ibid. 30.

<sup>xxxiv</sup> Eichmann would have had a 'bad conscience,' have felt himself to be an '*innerer Schweinehund*', only if he had *not* done what he 'had been ordered to do – to ship millions of men, women, and children to their death with great zeal and the most meticulous care' – Arendt, *Eichmann in Jerusalem* 25.

<sup>xxxv</sup> See Arendt, *The Life of the Mind: Thinking* 171, Deutscher, *Judgment after Arendt* 126.

<sup>xxxvi</sup> Although earlier Deutscher says that: 'The thinking by which I keep myself company is 'invisible' – 'inaudible to others unless I speak my thought. Still, this 'life of the mind' is 'never silent'. It is full of one's incessant conversation – one's *chatter* to oneself' – Deutscher, *Judgment after Arendt* 23. This seems to allow that even one's chatter to oneself counts as a sort of thinking, although clearly not thoughtful thinking. We can certainly keep ourselves company in this way.

<sup>xxxvii</sup> Ibid. 62.

<sup>xxxviii</sup> Ibid.

<sup>xxxix</sup> Ibid.

<sup>xl</sup> As Arendt acidly remarks: 'It was at this time that a 'moderate wing' of the S.S. came into existence, consisting of those who were stupid enough to believe that a murderer who could prove he had not killed as many people as he could have killed would have a marvellous alibi' – Arendt, *Eichmann in Jerusalem* 144-45.

<sup>xli</sup> See Ibid. 148.

<sup>xlii</sup> As Arendt notes, Eichmann's actions 'showed a most unpleasant resemblance to that of the often-cited soldier who, acting in a normal legal framework, refuses to carry out orders that run counter to his ordinary experience of lawfulness and hence can be recognised by him as criminal' – Ibid. 148-49. Eichmann recognised, not the Final Solution, but Himmler's attempts to 'moderate' the Final Solution, as criminal on the grounds that it would have contradicted Hitler's will.

<sup>xliii</sup> Here Eichmann performs the standard Nazi 'trick.' Instead of saying 'What horrible things I did to people!' the murderers would say 'What horrible things I had to watch in the pursuance of my duties, how heavily the task weighed upon my shoulders!' – Ibid. 87, 106.

<sup>xliv</sup> Hannah Arendt, *The Life of the Mind: Willing*, ed. Mary McCarthy (London: Secker & Warburg, 1978) 4.

<sup>xlv</sup> Ibid. 217.

<sup>xlvi</sup> Deutscher, *Judgment after Arendt* xiv.

<sup>xlvii</sup> Ibid. 92.

<sup>xlviii</sup> Ibid.

<sup>xlix</sup> Ibid.

<sup>l</sup> Ibid.

<sup>li</sup> Arendt claims that Kant simply reduces the will to practical reason and thus to thinking, and as such has no account of the will as a distinct faculty. She writes: 'The only great thinker in these centuries who would be truly irrelevant to our context is Kant. His Will is not a *special* mental capability distinct from thinking, but practical reason.' See Arendt, *The Life of the Mind: Willing* 57, 149.

<sup>lii</sup> For an excellent discussion of the distinction, see Henry E Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990). I also discuss Kant's distinction in Paul Formosa, "Kant on the Radical Evil of Human Nature," *The Philosophical Forum* 38, No. 3 (2007).

<sup>liii</sup> See my 'Is Kant a moral constructivist or a moral realist?', *unpublished manuscript*.

<sup>liv</sup> See Immanuel Kant, "Critique of Practical Reason," in *Practical Philosophy*, ed. Mary J Gregor (Cambridge: Cambridge University Press, 1996), 5:30, Immanuel Kant, "Religion within the Boundaries of Mere Reason," in *Religion and Rational Theology*, ed. Allen Wood and George Di Giovanni (Cambridge: Cambridge University Press, 1996), 6:50.

<sup>lv</sup> Deutscher, *Judgment after Arendt* 110.

<sup>lvi</sup> Ibid. 111.

<sup>lvii</sup> Ibid. 113.

<sup>lviii</sup> Ibid. 134.

<sup>lix</sup> Ibid. 133.

<sup>lx</sup> Hannah Arendt, "Crisis in Culture: Its Social and Political Significance," in *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking Press, 1968), 220.

<sup>lxi</sup> Ibid., 221.

<sup>lxii</sup> See Deutscher, *Judgment after Arendt* 156.

<sup>lxiii</sup> Ibid. 134.

<sup>lxiv</sup> Ibid. 135.

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<sup>lxv</sup> See the discussion of the role of rehearsal in this regard in *Ibid.* 134-36.

<sup>lxvi</sup> See, for example, Beiner, "Hannah Arendt on Judging.", Ronald Beiner, "Rereading Hannah Arendt's Kant Lectures," *Philosophy and Social Criticism* 23, No. 1 (1997), Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (Lanham: Rowman & Littlefield, 2003), Richard J Bernstein, "Judging - the Actor and the Spectator," in *The Realm of Humanitas: Responses to the Writings of Hannah Arendt* (New York: Lang, 1990), Kimberley Curtis, *Our Sense of the Real: Aesthetic Experience and Arendtian Politics* (Ithaca & London: Cornell University Press, 1999), Linda M G Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt," *Political Theory* 33, No. 2 (2005).

<sup>lxvii</sup> Deutscher, *Judgment after Arendt* 58.

<sup>lxviii</sup> For Arendt's discussion of the actor and spectator, see Arendt, *Lectures on Kant's Political Philosophy* 54-63. See also Arendt, "Crisis in Culture" 211-26, Arendt, *The Human Condition* 192, Arendt, *The Life of the Mind: Thinking* 215-16.

<sup>lxix</sup> See Arendt, *Lectures on Kant's Political Philosophy* 55.

<sup>lxx</sup> These issues of detachment and involvement and their relation to objectivity are explored in Max Deutscher, *Subjecting and Objecting: An Essay in Objectivity* (St Lucia: University of Queensland Press, 1983) 19-28.

<sup>lxxi</sup> 'To the extent that the teller of factual truth is also a storyteller, he brings about that 'reconciliation with reality' which Hegel ... understood as the ultimate goal of all philosophical thought ... The political function of the storyteller – historian or novelist – is to teach acceptance of things as they are' - Hannah Arendt, "Truth and Politics," in *Between Past and Future* 262. See also Hannah Arendt, "Understanding and Politics," in *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken Books, 1994), 308-9.